

REMARKS

This amendment is responsive to the non-final Office Action of February 28, 2008. Reconsideration and allowance of claims 2-4, 6, 7, 9, 12, and 15-23 are requested.

The Office Action

The Examiner has withdrawn her prior indication of the allowability of claims 3, 4, 5, 6, 8, 10, and 14.

Claims 2, 4-10, 12, 14, and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over McComb (US 6,111,573) in view of Hochstedler (US 6,707,476).

Claim 3 stands rejected under 35 U.S.C. § 102 as being anticipated by McComb.

Claim 3 is Not Anticipated By McComb

In order for a claim to be anticipated by a reference, it is axiomatic that the reference must disclose every claimed element in the claimed relationship.

McComb discloses a technique in which a user selects a minimum font size. Thereafter, as windows are displayed to the user by other programs, the McComb adjusts the size of the windows such that the text within the windows can be displayed in the user's selected font size. If necessary, some graphic elements of the window may be eliminated in order that the font may meet the minimum size requirement.

First, **claim 3** calls for optimum filling of the available display screen surface to be achieved. By contrast, column 10, lines 13-20 and 35-40 referenced by the Examiner relate to fitting the graphic objects and text within the window, not the display screen surface. There is no suggestion in McComb of filling the available display screen surface. Rather, it is submitted that the McComb windows would normally not fill the display screen surface.

Second, claim 3 calls for avoiding mutual overlapping of the objects. Column 10, lines 17-24 referenced by the Examiner do not address avoiding mutual overlapping of objects.

Third, claim 3 calls for the ordering of the hierarchy of combined objects to be changeable. Column 10, lines 20-25 of McComb referenced by the Examiner does not disclose changing the order of a hierarchy of combined objects.

Because McComb does not show all elements of claim 3, it is submitted that claim 3 is not anticipated by McComb.

**The Claims Distinguish Patentably
Over the References of Record**

Claim 4 has been amended to emphasize that at least two groups are displayed on the screen, each group including the objects corresponding to a different patient. This concept is not shown by either McComb or Hochstedler.

Dependent claim 6 further adds the automatic substitution of the objects among themselves. Column 10, lines 24-30 of McComb suggest using icons with fewer colors or less detail. There is no suggestion in McComb of substituting objects containing patient monitoring information among themselves automatically. Hochstedler fails to cure this shortcoming of McComb. Hochstedler allows the user to manually select different layouts. However, Hochstedler does not suggest an automatic substitution of displayed patient monitoring information.

Dependent claim 16 further calls for one of the objects to be temporarily enlarged when it is designated by a cursor. McComb does not suggest such temporary enlargement. Hochstedler does not cure this shortcoming of McComb. Hochstedler also fails to show temporarily enlarging an object which contains patient monitoring information when designated by a cursor.

Claim 17 calls for automatic substitution of objects in response to one of the objects ceasing to contain relevant patient monitoring information. Hochstedler provides for manual redesign of the display, but does not suggest automatic substitution of objects, much less automatic substitution in response to an object ceasing to contain relevant patient monitoring information.

Claim 18 further calls for repeating the position and scaling of objects when an object has been substituted. Hochstedler allows the user to redesign the display, but does not automatically reposition and rescale objects.

Accordingly, it is submitted that **claim 4 and claims 6 and 16-18 dependent therefrom** distinguish patentably over the references of record.

Claim 7 has been placed in independent form. Claim 7 calls for objects to be temporarily displayed in enlarged form in dependence on a trigger signal. Column 5, lines 2-10 of McComb referenced by the Examiner does not address a temporary enlargement of objects. Accordingly, it is submitted that **claim 7** is patentable over McComb and Hochstedler.

Dependent **claim 19** further adds that the temporary enlargement is produced by a cursor touching one of the objects and for the object to return to its original size when the cursor no longer touches it. Again, McComb, at column 5, lines 2-10 does not show such a temporary enlargement. Hochstedler fails to cure this shortcoming of McComb. Accordingly, it is submitted that **claim 19** is patentable over McComb and Hochstedler.

Claim 12 has been placed in independent form. Claim 12 calls for a control element by which a trigger signal is generated for the brief enlargement of a selected object. Accordingly, it is submitted that **claim 12 and claims 15, 20, and 21 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 22 calls for automatically, without user intervention, substituting another object when one of the objects ceases to contain relative patient monitoring information. Column 10, lines 24-30 of McComb do not suggest substituting objects in response to a displayed object ceasing to contain relevant patient monitoring information. Hochstedler, which does not disclose or fairly suggest such automatic substitution, fails to cure this shortcoming of McComb. Accordingly, it is submitted that **claim 22 and claims 4 and 23 dependent therefrom** distinguish patentably and unobviously over the references of record.

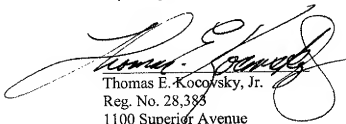
CONCLUSION

For the reasons set forth above, it is submitted that **claims 2-4, 6, 7, 9, 12, and 15-23** are not anticipated by and distinguish patentably over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

Fay Sharpe LLP

A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over the printed name and address.

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